

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
SAN ANTONIO DIVISION**

JAMES R. BLACKMON, JUSTIN M.  
ROZELLE, ERIC A. MYERS, and JERED  
MUNSON Individually and as representatives of  
a class of similarly situated persons, on behalf of  
the ZHI 401(K) RETIREMENT SAVINGS  
PLAN,

Plaintiffs,  
v.

ZACHRY HOLDINGS, INC., THE  
COMPENSATION AND BENEFITS  
COMMITTEE OF ZACHRY HOLDINGS,  
INC.; and DOES No. 1-10, Whose Names Are  
Currently Unknown,

Defendants.

Case No: 5:20-cv-00988

January 21, 2022

**PLAINTIFFS' UNOPPOSED MOTION FOR  
PRELIMINARY APPROVAL OF CLASS ACTION SETTLEMENT**

Plaintiffs, James R. Blackmon, Justin M. Rozelle, Eric A. Myers, and Jered Munson (collectively, “Plaintiffs”), on behalf of the proposed Settlement Class and the ZHI 401(k) Retirement Savings Plan (“Plan”), hereby move (“Motion”), pursuant to Federal Rule of Civil Procedure 23, for entry of an order preliminarily approving the Settlement Agreement<sup>1</sup> dated January 21, 2022 filed herewith.

For the reasons set forth in the Settlement Agreement, accompanying memorandum of law, and all supporting papers, as well as the record in this litigation, Plaintiffs respectfully submit that the proposed settlement memorialized in the Settlement Agreement (the

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<sup>1</sup> Terms not defined herein shall have the same meaning as in the Settlement Agreement.

“Settlement”) is fair, reasonable, and adequate, and should be preliminarily approved so that notice can be provided to the Settlement Class.

The Settlement is the product of arm’s-length negotiations between the parties and their counsel, all of whom have significant experience in complex litigation of this type and are well-informed regarding all of the issues in this litigation based upon the comprehensive manner in which this matter was litigated by both sides. Accordingly, Plaintiffs respectfully request that the Court enter the proposed Preliminary Approval Order and, if the Court deems necessary, schedule a preliminary approval hearing at its earliest convenience.

Plaintiffs stand ready to provide any additional information that the Court may require in connection with its consideration of this Motion.

Dated: January 21, 2022

Respectfully submitted,

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*Attorneys for Plaintiffs and the Settlement  
Class*

**CERTIFICATE OF SERVICE**

I hereby certify that, on January 21, 2022, I caused the foregoing Plaintiffs' Unopposed Motion for Preliminary Approval of Class Action Settlement to be filed electronically via the Court's CM/ECF system and served on all counsel of record by operation of that system.

/s/ Laurie Rubinow  
Laurie Rubinow